

Notice of Allowability

Application No.

10/500,217

Examiner

Robert Shiao, Ph. D.

Applicant(s)

ISHIHARA ET AL.

Art Unit

1626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on 04/17/2006.
2. ☒ The allowed claim(s) is/are 49-51, now are 1-3.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 6/25/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

1. This application claims benefit of the foreign applications:
JAPAN 2004-402064 with a filing date 12/28/2001; and
JAPAN 2002-72027 with a filing date 03/15/2002.
2. Amendment including cancellation of claims 1-48 and addition of claims 49-51 in the amendment filed on April 17, 2006, is acknowledged. Claims 49-51 are pending in the application. No new matter is found. Since the newly added claims 49-51 are commensurate with the scope of the invention, therefore, claims 49-51 are prosecuted in the case.

Information Disclosure Statement

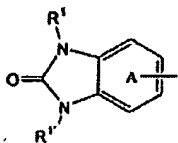
3. Applicant's Information Disclosure Statements, filed on June 25, 2004, have been considered. Please refer to Applicant's copy of the 1449 submitted herein

Responses to Election/Restriction

4. Applicant's election of Group I claims 44-48 (i.e., now are 49-51) in the reply filed on April 17, 2006, is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). An election of a species, i.e., the 17th compound of claim 51, is also acknowledged.

Claims 49-51 are pending in the application. The scope of the invention of the elected subject matter is as follows.

Claims 49-51, in part, drawn to compounds of formula (Ia), wherein the variable



Ar₁ represents thereof; the A ring of formula (Ia) is not substituted with 1-pyrrolidinyl, piperidino, piperazinyl, N-methyl-1-piperazinyl, N-acetyl-1-piperazinyl, morpholino, imidazolyl, 5- to 7-membered cyclic amino-sulfonyl, or 5- to 7-membered cyclic amino-carbonyl thereof; the variable Ar₂ is not substituted with 5- to 7-membered cyclic amino-carbonyl thereof, the variables R and Ar₂ or L2 and Ar₂ do not independently form a heterocycle or heteroaryl ring thereof.

Reasons for Allowance

5. The following is an examiner's statement of reasons for allowance:

Claims 49-51 are neither anticipated nor rendered obvious over the art of record, and therefore are allowable. This invention relates to preventive/remedies for urinary disturbance. The closest reference is Teuber et al. US 6,194,447, which discloses preparation of aminobenzimidazole and guanidines as novel potassium channel blocking agents, and associated devices and methods. The difference between instant claims and Teuber et al. is that the instant compounds of formula (Ia) are not found in Teuber et al. A suggestion for modification of the above reference to obtain the instant compounds has not been found. Moreover, the non-elected subject matter, i.e., A ring of formula (Ia) substituted with 1-pyrrolidinyl, piperidino, piperazinyl, has been eliminated in the amendment filed on April 17, 2006. Therefore, claims 49-51 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

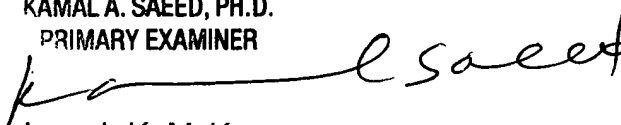
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Shiao whose telephone number is (571) 272-0707. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph K. McKane can be reached on (571) 272-0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 1626

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May 30, 2006